

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LINDA CLARK,

Civil No. 04-1843-AS

Plaintiff,

v.

ORDER

JO ANNE B. BARNHART,
Commissioner of
Social Security,

Defendant.

MARSH, Judge.

Magistrate Judge Donald C. Ashmanskas filed his Findings and Recommendation on November 17, 2005. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(c); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-5 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Ashmanskas' Findings

and Recommendation #12. The decision of the Commissioner is REVERSED AND REMANDED for further proceedings. Plaintiff's complaint (#1) is DISMISSED; all other motions are denied as moot.

IT IS SO ORDERED.

DATED this 12 day of December, 2005.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge